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EXTRAORDINARY

PART I—Section 1

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MINISTRY OF STATES

NOTIFICATIONS

New Delhi, the 4th March 1953

No. F. 3(10)-PA/53.—The following Proclamation by the President is published for general information:—

PROCLAMATION

WHEREAS I, Rajendra Prasad, President of India, have received a report from the Rajpramukh of the State of Patiala and East Punjab States Union, and on considering the report and other information received by me, I am satisfied that a situation has arisen in which the Government of that State cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as "the Constitution");

Now, therefore, in exercise of the powers conferred by article 356 of the Constitution and of all other powers enabling me in that behalf, I hereby—

- (a) assume to myself as President of India all functions of the Government of the said State and all powers vested in or exercisable by the Rajpramukh of that State;
- (b) declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament; and
- (c) make the following incidental and consequential provisions which appear to me to be necessary or desirable for giving effect to the objects of this Proclamation, namely:—
 - (i) in the exercise of the functions and powers assumed to himself by virtue of clause (a) of this Proclamation, it should be lawful for the President to act to such extent as he thinks fit through the Rajpramukh of the said State;
 - (ii) the operation of the following provisions of the Constitution in relation to that State is hereby suspended, namely:—

so much of clause (2) of article 151 as relates to the laying of the reports before the Legislature of the State; the following provisions as in force in that State by virtue of article 238 of the Constitution:—

articles 163 and 164, clause (3) of article 166, articles 167 and 169, articles 174 to 186 (both inclusive), clause (3) of article 187 so far as it requires consultation with the Speaker of the Legislative Assembly, articles 188 and 189, articles 193 to 193 (both inclusive), articles 200 and 201, so much of clause (3) of article 202 as relates to salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly, articles 208 to 212 (both inclusive), the proviso to clause (1) and the proviso to clause (3) of article 213;

so much of clause (2) of article 323 as relates to the laying of the report with a memorandum before the Legislature of the State, article 386 and paragraph 6 of the Second Schedule;

- (iii) the Legislative Assembly of the said State is hereby dissolved;
- (iv) notwithstanding anything contained in the Constitution or in any law for the time being in force, the general election for constituting a new Assembly for the said State shall be held as soon as possible after the final order of the Delimitation Commission in regard to the constituencies in the Legislative Assembly of the said State is published under section 9 of the Delimitation Commission Act, 1952, and for the purposes of such election, the law for the time being in force relating to election shall be applied as if the Legislative Assembly of said State was dissolved on the date of the publication of the said order;
- (v) any reference in the Constitution to the Rajpramukh shall in relation to the said State be construed as a reference to the President, and any reference therein to the Legislature or Legislative Assembly of the State shall, in so far as it relates to the functions and powers thereof, be construed as a reference to Parliament, and in particular, the reference in article 213 to the Rajpramukh and the Legislature or Legislative Assembly of the State shall be construed as references to the President and to Parliament respectively;

PROVIDED that nothing herein shall affect the provisions of articles 150, 158 and 159 as in force in that State by virtue of article 238, and the provisions of clause (1) of article 299 so far as it relates to the authority by whom the contracts of the said State shall be expressed to be made, the provisions of clause (2) of article 299 and of article 361, or prevent the President from acting under sub-clause (1) of this clause to such extent as he thinks fit through the Rajpramukh of the said State;

- (vi) any reference in the Constitution to Acts or laws of or made by, the Legislature of the State shall be construed as including a reference to Acts or laws made, in exercise of the powers of the Legislature of the State, by Parliament by virtue of this Proclamation, or by the President or other authority referred to in sub-clause (a) of clause (1) of article 357 of the Constitution, and the Patiala General Clauses Act, 2002 B.K. (Act No. 12 of 2002 B.K.) as applied to the State by the Patiala and East Punjab States Union General Provisions (Administration) Ordinance, 2005 B.K. (Ordinance No. 16 of 2005 B.K.), shall have effect in relation to any such Act or law as if it were an Act of the Legislature of the State.

No. F. 3(10)-PA/53.—The following Order made by the President is published for general information:—

ORDER

In pursuance of sub-clause (i) of clause (c) of the Proclamation issued on this the fourth day of March, 1953, by the President under Article 356 of the Constitution of India, the president is pleased to direct that all the functions of the Government of the State of Patiala and East Punjab States Union and all the powers vested in or exercisable by the Rajpramukh of that State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said Proclamation, shall, subject to the superintendence, direction and control of the President, be exercised by the Rajpramukh of the said State who will act on the advice of the Adviser appointed by the President in this behalf.

NEW DELHI;
The 4th March, 1953.

RAJENDRA PRASAD,
President.

C. S. VENKATACHAR, Secy.